IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.1927 OF 2005

IN

FIRST APPEAL NO.467 OF 1998 .

Smt.Sunderabai G. Patkar : Petitioners
& Anr.

versus

Rajeshsingh G. Singh & ors. : Respondents.

Mr.N.H.Shukla for the petitioners.
Mr.M.P.Vashi for the respondents.

ALONG WITH

CIVIL APPLICATION NO.1706 OF 2005

IN

FIRST APPEAL NO.467 OF 1998 .

Rajeshsingh Gyanshanakr Singh
& ors. : Petitioners.

versus

Smt.Sunderabai Govind Patkar
& Anr. : Respondents.

Mr.M.P.Vashi for the petitioners.
Mr.Nitin Shukla for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 27th APRIL 2005.

ORAL ORDER

1. Civil Application No.1927 of 2005 is filed by the original Respondent Nos. 1 and 2 for giving directions to the Court Receiver to hand over vacant and peaceful possession of the suit premises to the petitioners i.e. original respondents.

2. At the same time, Mr.Vashi for the original appellants prayed that he has already filed SLP before the Supreme Court and, therefore, he should be granted two weeks stay.

3. Counsel for the original Respondent Nos. 1 and 2 contended that the prayer for stay has already been rejected by this Court and, therefore, this prayer cannot be entertained now.

. As against this, Mr.Vashi contended that he has already filed SLP before the Supreme Court and granting fifteen days time would not cause

any prejudice.

4. When questioned in this regard, whether the appellants are ready to deposit Rs.Two lacs in Court, Mr.Vashi contended that the appellants have already been depositing Rs.1700/- per month and the total amount is about Rs.Three lacs and, therefore, there is question of depositing any further amount.

5. In fact, when the appeal was dismissed by me by order dated 11th April 2005, prayer for stay of the appellate order was made and that was rejected. Therefore, there is no question of entertaining any second prayer. But even if it is considered, the Court can grant stay subject to condition. If the appellants are not ready to abide by any condition, then there is no question of granting any time. Therefore, prayer for further stay or any stay is rejected. Civil Application No.1927 of 2005 is allowed in terms of prayer clause (a)(i) and (b).

6. Consequently, the Civil Application No.1706 of 2005, taken out by the original appellants for stay is dismissed.

[D.G.DESHPANDE]

27/04/2005 JUDGE.